

County of Loudoun
Department of Planning
MEMORANDUM

DATE: September 26, 2007

TO: Loudoun County Planning Commission

FROM: Nicole Steele, Project Manager

SUBJECT: **October 1, 2007 Planning Commission, Committee of the Whole
SPEX 2005-0040, Holtzman Oil**

BACKGROUND:

The Planning Commission held a public hearing for this application on July 16, 2007. Three (3) members of the public spoke regarding this application; one (1) against, commenting on the environmental issues of allowing a hotspot use in a flood plain, one (1) in favor, commenting on the contribution this application will bring to the economic development of the area, and one (1) neutral comment to provide additional information on the wetlands if needed.

The Commission voted 8-0-1 (Ruedisueli absent) to forward the application to the Committee of the Whole to discuss a number of outstanding issues, including (1) Conformance with the Revised General Plan regarding design; (2) Flood plain study and alteration; (3) Uses allowed on-site; (4) Entrance from Route 50; (5) On-site circulation; and (6) Conditions of Approval.

Subsequent to the Public Hearing, the applicant completed a flood plain study and alteration for the site. Staff agreed to expedite the review process of the study and alteration. The review is at a stage where staff is comfortable making a recommendation on the application with conditions of approval. However, the applicant has not reviewed or agreed to the new conditions. An update of the review will be provided at the Planning Commission work session.

Staff received a revised Special Exception Plat and Building Elevations from the applicant. A number of the issues discussed at the Public Hearing have been addressed as shown on the Special Exception Plat. However, a new issue has surfaced since the Public Hearing regarding the ingress/egress easement on the northern portion of the property. A discussion of these issues are outlined below:

ISSUES:

1. **Design** – The applicant has supplied elevations contained within the Special Exception Plat package to demonstrate the design of the building. The revised building elevations are in conformance with the guidelines that recommend the use of local materials such as brick, stone, and wood in the building design. The applicant has also included the gas canopy in the overall design theme of the main building and provided more architectural detail on the rear elevation of the building since the northern section of the site contains a large portion of the parking and is visible from Pleasant Valley Road.
2. **Flood Plain Study and Alteration** – A Flood Plain Study and Alteration has been submitted to the County for review. This process is to determine the altered limits of the flood plain on-site, how the flood and storm waters are to be conveyed and ultimately the appropriate management or conveyance of these storm waters. The review is currently at a stage where staff is comfortable making a recommendation on the application with conditions of approval addressing the storm sewer network. This condition describes how the storm water discharges emanating from offsite properties is to be conveyed through the Holtzman property.
3. **Uses allowed on-site** – The applicant is requesting a Special Exception for an Automotive Service Station, which is considered a stormwater hotspot use. A stormwater hotspot use is defined as a landuse or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff. About one-half of the site contains at-grade minor flood plain. Although the site has been altered by previous excavation, the question remains whether it is appropriate to allow a stormwater hotspot use in an area that has the significant potential to flood.
4. **Entrance from Route 50** – The applicant has agreed to remove the right-in entrance off of Route 50. This is reflected on the revised Special Exception Plat dated September 12, 2007.
5. **On-site Circulation and Inter-parcel Connection** – A by-right site plan for a hotel use has been submitted to the County for the parcel immediately to the west of the Holtzman parcel. The site plan is showing a private road across the northern portion of the Holtzman property accessing the adjacent parcel. The private road is located in an existing ingress/egress easement. This access is not consistent with the Holtzman Oil Special Exception Plat. Condition language has been drafted to require abandonment of this easement prior to site plan approval requiring an agreement between the easement owners. This is necessary to allow the required buffer and parking for Holtzman within the easement.

In regards to the proposed inter-parcel connections, staff notes that the connections are not aligned with the entrances from Pleasant Valley Road which result in awkward maneuvers around the parking lot to reach the proposed hotel site to the west. Also, the two applications are not consistent with each other regarding the access points.

- 6. Conditions of Approval** – Due to revisions to the conditions of approval, the revised September 26, 2007 Conditions of Approval have not been reviewed by the County Attorney. An update will be provided at the PC work session.

STAFF RECOMMENDATION:

Staff can support the application with the Conditions of Approval dated September 26, 2007, noting that the existing ingress/egress easement on the northern portion of the Property must be abandoned in order for the site to be developed as shown on the Special Exception Plat. Staff continues to suggest that the inter-parcel connections proposed for the site to the west create awkward maneuvers around the Holtzman parking lot to access the hotel use.

SUGGESTED MOTION:

1. I move the Planning Commission forward SPEX 2005-0040, Holtzman Oil, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval and Findings dated September 26, 2007.

ATTACHMENTS:

1. Revised Conditions of Approval dated September 26, 2007
2. Revised Findings dated September 26, 2007
3. Revised Special Exception Plat dated September 12, 2007

SPEX 2005-0040, HOLTZMAN OIL
PLANNING COMMISSION, COMMITTEE OF THE WHOLE
OCTOBER 1, 2007

HOLTZMAN OIL – SPEX 2005-0040

CONDITIONS OF APPROVAL – *September 26, 2007*

1. Special Exception Plat. The Special Exception uses and associated site development shall substantially conform to the Special Exception Plat prepared by Stantec Consulting Inc., dated May 26, 2005, and revised through September 12, 2007 except as revised by these conditions, and the Revised 1993 Zoning Ordinance. Approval of this application does not imply modifications of, or relieve the applicant of, any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. Uses Permitted. Approval of this Special Exception application grants approval for the following uses: automotive service station, convenience store, and restaurant, as defined by the Revised 1993 Loudoun County Zoning Ordinance.
3. Water Quality. The applicant shall incorporate a water quality design that achieves 65 percent phosphorous removal throughout the project site, as per Table 2-3 of the Virginia Stormwater Management Handbook.
4. Storm Sewer Network. The applicant shall design a storm sewer network that conveys storm discharges emanating from offsite properties, where the network is adequately sized to convey the 100-year storm event without flooding the proposed buildings, service areas, and parking lots.
5. Wetlands Bank. For any wetland and stream impacts determined to be unavoidable in conjunction with the permitting process, the applicant shall prioritize mitigation as follows: 1) onsite, 2) within the Bull Run Watershed within the same Planning Policy Area, 3) within the Bull Run Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ).
6. Best Management Practices. The Applicant shall employ the use of innovative BMP facilities, including but not limited to an oil/grit separator, spill containment BMP, surface spill containment area, and BMP filtration devices with the construction and operation of the automobile service station with gas pumps, convenience store, and restaurant. The applicant shall install an at-grade bioretention filter, such as a rain garden, directly above a subsurface BMP device located within the landscaped area along Route 50. The location of these BMPs are designated on the Special Exception Plat dated September 12, 2007.
7. Landscape Plan. The development of the special exception uses on the property shall include landscaping elements in substantial conformance with those shown on the Special Exception Plat Sheet 4 of 6, prepared by Stantec Consulting Inc, dated September 12, 2007. Species and locations may be changed in consultation with the County Urban Forester, as long as the screening effect remains the same or greater. The applicant shall maintain the landscaping in excellent condition throughout the lifetime of the special

exception uses. Additional plantings of native canopy, understory, and herbaceous vegetation shall be installed as part of the bioretention filter serving as a component of the stormwater management facility. The intent is to provide a natural corridor that provides landscaping continuity from Route 50, throughout the bioretention filter as shown on the Plat, to the developed site. The SWM/BMP facilities must contain 100% native plant species. Specific landscaping details shall be provided at site plan review.

8. Transportation. The owner shall provide transportation improvements as shown on the Plat dated September 12, 2007, prepared by Stantec Consulting Inc., and as described below prior to occupancy permit issuance.
 - a. Dedicate right-of-way for one-hundred (100) feet from the centerline of Route 50 along the property frontage and construct frontage improvements as shown on the Special Exception Plat and in accordance with County and VDOT requirements.
 - b. Dedicate sufficient right-of-way from the centerline of Pleasant Valley Road in order to accommodate double left turn lanes from Pleasant Valley Road to Route 50 eastbound and a right turn lane to Route 50 westbound.
 - c. The applicant shall construct improvements to Pleasant Valley Road as shown on the Special Exception Plat dated September 12, 2007 in accordance with County and VDOT requirements.
 - d. There shall be no direct vehicular access to the site from Route 50.
 - e. The applicant shall vacate or extinguish the existing 60-foot ingress/egress easement located along the northern boundary of the property prior to site plan approval.
 - f. The applicant shall establish a vehicular access easement with an executed shared entrance agreement to the adjacent property to the west of the site (MCPI# 097-20-0276) prior to site plan approval. This easement and agreement shall be provided in accordance with County requirements allowing for a two-way commercial driveway and access point across the northern portion of the Property providing direct access from the property on the west to Pleasant Valley Road.
9. Mechanical Equipment and Dumpster Screening. All exterior mechanical equipment and dumpster, including equipment located on the rooftop, shall be screened from view from public streets and adjacent properties. The screening may be accomplished by the use of a wall, by the appropriate placement of the equipment, and/or by other appropriate architectural and building elements compatible with the Unified Building Design of the proposed project.
10. Bicycle and Pedestrian Trails. In order to facilitate pedestrian movement, the applicant shall construct a 10-foot wide trail along Route 50, 5-foot wide sidewalk on Pleasant Valley Road along the frontage of the site, and a textured crosswalk, such as painted, stamped pavement, for easy identification, across the driveway ingress and egress along Pleasant Valley Road. All other sidewalks on the property must be at least 5-feet wide.

11. Bike Rack. Prior to issuance of the first occupancy permit for the restaurant, convenience store, and/or automotive service station; the applicant shall install at least one bike rack. The location and design of the bike rack shall be determined by the applicant, but the rack shall have room for at least 10 bicycles.
12. Lighting. The Property lighting shall be designed with full cut-off and shielded lighting fixtures so that light will be directed inward and downward toward the interior of the property, away from adjacent existing or planned roads and development. There shall be a maximum illumination of 5-foot candles for exterior building lighting and security lighting. There shall be a maximum illumination of 2-foot candles for the parking lots. The lighting shall be no greater than necessary for its intended purpose and the applicant shall power-down some or all of the exterior lights at appropriate times.
13. Construction Debris. Construction debris shall be secured onsite to prevent it from blowing into roadways and onto other adjacent properties. At the end of each work day, construction dumpsters shall be covered with tarps that are secured to the pavement to prevent wind action on the contents of the dumpsters. The perimeter of the site shall be inspected daily to assure that any loose debris is retrieved and secured onsite. Stacks of light construction materials such as, but not limited to, insulation, trim, sheet metals, plastic rolls, sheet goods, wiring, plastic pipe, or any other construction material that could possibly go airborne shall be secured within trailers, structures, or tied down under tarps or be otherwise secured to assure resistance to wind action.

NOTE: The Applicant has agreed to provide a one time fire and rescue contribution to the County in the amount of \$0.20 per square foot of non-residential floor area construction for equal distribution between the primary fire and rescue servicing companies. This contribution shall be made at the time of issuance of the applicable zoning permits. The contribution shall escalate annually from the base year of 1988 and change effective each January 1st thereafter, based on the Consumer Price Index (CPI).

SPEX 2005-0040, HOLTZMAN OIL
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HOLTZMAN OIL – SPEX 2005-0040

FINDINGS – *September 26, 2007*

1. The proposed project is consistent with the policies of the Revised General Plan, the Arcola Area/Route 50 Corridor Plan, and the retail policies of the Countywide Retail Plan Amendment, which designates the area suitable for Industrial Uses or supportive uses for the surrounding community if the criteria from the Route 50 Plan can be met.
2. The three proposed primary uses, an automotive service station, a convenience store, and a restaurant, comply with the applicable requirements of the Revised 1993 Zoning Ordinance, subject to the removal of the ingress/egress easement located on the northern portion of the property.
3. The application complies with the policies of the Revised Countywide Transportation Plan, with no direct access to Route 50.
4. The proposed application will incorporate a water quality design that achieves 65 percent phosphorous removal throughout the project site.
5. These uses are generally compatible with the existing neighboring uses.